

APPENDIX 1 to PLAINTIFFS' FINAL INVALIDITY CONTENTIONS

Bross, U.S. Patent No. 4,495,720 (filed Dec. 1, 1982, issued Jan. 29, 1985)

Language from Patent-In-Suit	Disclosure in Reference
1. A grip extender in combination with a handgun, comprising:	Col. 1, ll. 7-11: "This invention is in the field of firearms. More particularly, it relates to pommels which can be removably secured at the butt end of the grip area of handguns, particularly automatic or semiautomatic pistols which have removable magazines insertable in their grips." Col. 3, ll. 30-34: "In FIG. 1 there is disclosed a semiautomatic pistol 10 typical of many handguns. It includes a grip designated generally as 12 and includes a magazine 14 having at its butt end, a pommel 16 embodying features of the invention."
a handgun using a variety of different model magazines,	See Col. 1, ll. 7-11, <i>supra</i> , and Col. 1, ll. 54-62: "Typical magazines, or clips, for automatic handguns are shown in U.S. Pat. No. 2,828,568 to Sakewitz or U.S. Pat. No. 3,143,819 to Stevens. Generally speaking, the magazines comprise elongated housings, more or less rectangular in cross section, usually made of sheet metal and into which cartridges are placed. The cartridges are urged upwardly in the magazine by a spring which presses a follower against the lowermost cartridge or cartridges in the magazine."
a grip extender with symmetrical interior side walls,	Col. 2, ll. 38-39: "The pommel has a recessed interior. . ." Col. 2, ll. 50-51: "The interior recess in the pommel plate is defined by the interior surface of the wall."
an exterior front wall configured to a user's grip,	Col. 2, ll. 38-40: "The pommel has . . . an exterior periphery which is complementary and coincident to the shape of the overall butt of the gun." Col. 2, ll. 48-50: "The pommel itself is a plate having a continuous exterior wall coincident to the shape of the butt of the grip of a handgun."

and a rear wall, for use with the handgun magazine to fill a gap between the magazine and the handgun,

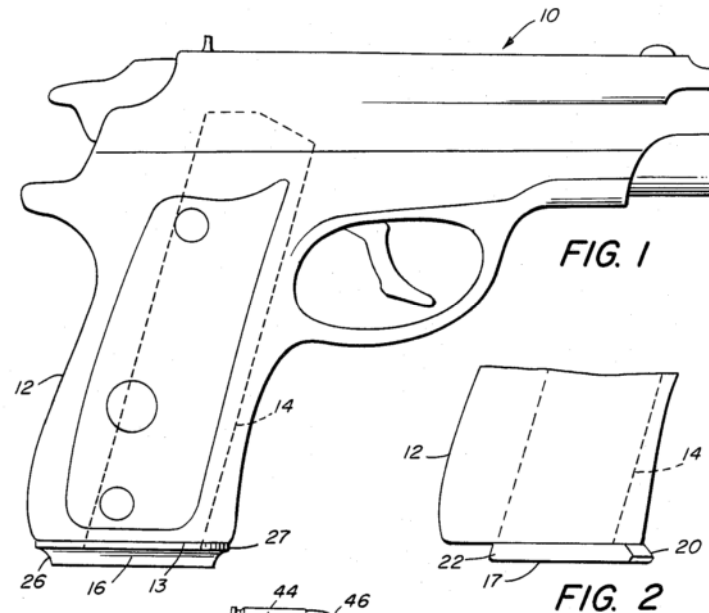
Col. 1, ll. 66-67: “Generally speaking, the base of the magazine constitutes a portion of the gun butt.”

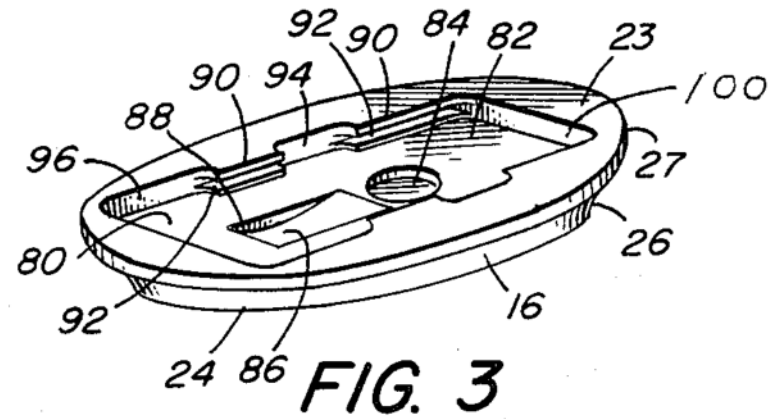
Col. 2, ll. 6-8: “As shown in the Stevens patent, the base plate can present an interrupted surface occasionally with portions overhanging the bottom of the pistol grip[.]”

Col. 2, ll. 48-50, *supra*.

Col. 2, ll. 11-15: “It is one of the objects, therefore, of this invention to provide a pommel for an automatic pistol which is not only functional but also affords a smoot, continuous and uninterrupted base plate for the entire grip profile of the pistol.”

Col. 4, ll. 15-21: “As seen in FIGS. 3 and 10, it [the pommel] is generally oval in configuration, but more importantly its circumference is formed complementary and coincident to the shape of the gun butt end 13 or bottom of the grip. On assembly, it interfaces with the grip to give a smooth continuous line as seen in side elevation FIG. 1 as distinguished from FIG. 2.”

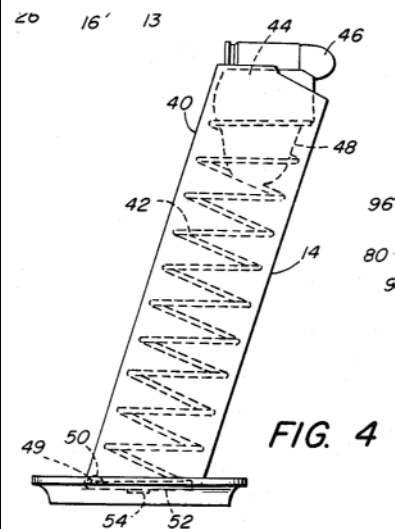




with said magazine having an open top for loading ammunition cartridges

See Col. 1, ll. 54-62, *supra*.

See Col. 3, ll. 34-36: "The upper or discharge end of the magazine is inserted into the grip with the pommel interfacing the butt end 13 of the grip 12."



and a closed bottom for containing said ammunition cartridges, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine,

See Col. 1, ll. 62-66: “The lower end of the spring abuts a bottom plate or detent plate which is removably secured to a removable base plate of the magazine, generally by sliding engagement between mating flanges.”

Although the reference specifically references a magazine in which it is the butt end of the magazine that “is flanged outwardly along its sides” (Col. 4, ll. 4-5), an embodiment of the reference’s invention could involve a magazine in which the outwardly directed flanges are part of the floor plate. In fact, this is exactly what is described elsewhere in the patent at Col. 5, ll. 24-33: “Another type of magazine 14 is formed of one piece as shown in FIGS. 14 to 16. The one piece magazine has a closed bottom 106. In FIG. 14 flanges are provided by securing a plate 110 to the bottom of the magazine 14 by permanent means such as a spot weld 114 or by removable means such as screws. The plate extends beyond the edges of the walls of the magazine thereby providing flanges 115. The same principle of staggered mating interrupted flanges and slots would be applied to assemble the magazine to the pommel as described above.”

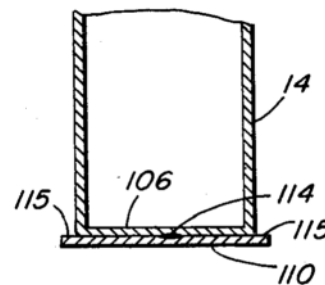
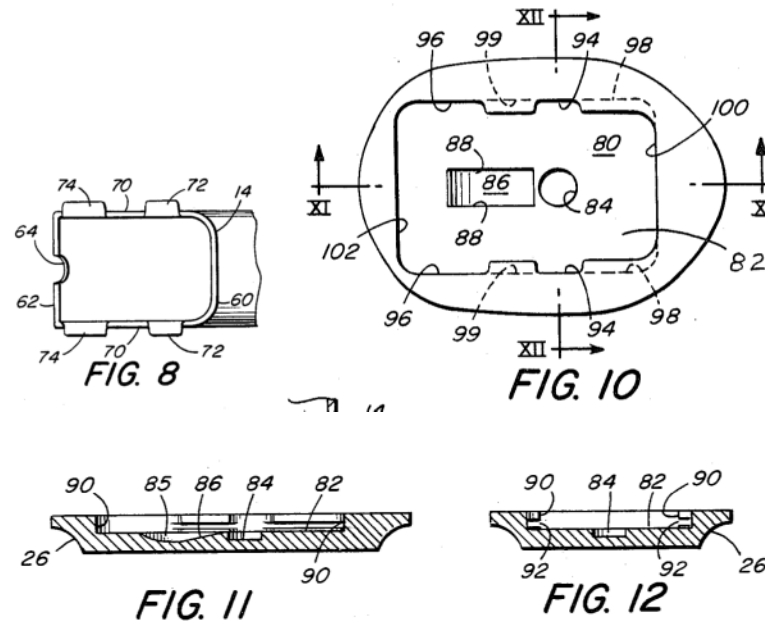


FIG. 14

said grip extender further comprising:	
<p>a) a one-piece collar slideably mounted from the open top of said magazine and subsequently seated at the closed bottom of said magazine thereby substantially filling any gap resulting from a length of the magazine protruding from a handgun when said magazine is engaged into said handgun,</p>	<p>Col. 1, ll. 66-67; Col. 2, ll. 6-8; Col. 2, ll. 11-15.</p> <p>Col. 3, ll. 43, 46-50: “FIG. 3 shows a pommel plate 16 in perspective. . . . Its overall plan outline as seen in FIG. 10 is generally oval, but more importantly, is complementary and coincident the shape of the butt 13 of the particular handgun to which it is to be attached.”</p> <p>Col. 4, ll. 27-28: “The recessed interior is completely within the continuous outer wall 27 of the pommel.”</p> <p>Although the “best mode” of the invention contemplates a magazine with an open bottom (<i>see</i> Col. 3, l. 67 – Col. 4, l. 3), an embodiment of the reference’s invention could involve a closed bottom of a magazine.</p>
<p>said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine floor plate thereby securely retaining the collar</p>	<p>Abstract: “The pommel (16) has a recessed interior (80) and exterior periphery (26, 27) which is complementary to and coincident with the shape of the butt end (13) of a handgun. There are releasable interlock means (72, 74) on the magazine (14) and complementary releasable interlock means (72, 74) on the magazine (14) and complementary releasable interlock means (98, 99) within the internal confines of the pommel.”</p>
<p>and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and</p>	<p>Col. 2, ll. 51-58: “Longitudinal slots are formed in the wall and longitudinal flanges are formed at the butt end of the magazine. The slots and the flanges are arranged with mating interruptions in staggered relationship to permit the butt end of the magazine to enter the interior recess and to align the flanges with the slots to attach the pommel to the magazine by sliding engagement.”</p>
<p>b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of the collar,</p>	

<p>with a bottom shoulder of said ribs distanced above the tangs, said distance approximately equal the determinable thickness of the magazine floor plate; and</p>	<p>Col. 4, ll. 29-42: “The lateral walls 90 of the recessed interior 80 contain slots 92. The walls 90 are not continuous; hence the slots 92 are interrupted as at 94 and 96. The length of the interruptions 94 and 96 are slightly greater than the length of the flanges 72 and 74 on the magazine. The wall portion 90 where the slots 92 are found are slightly shorter in length than the interrupted portion 70 on the magazine 14. The interruptions 96 are at the trailing end 102 of the interior 80 of the pommel and correspond in position to the trailing flanges 74 on the magazine. The slots 94 at the leading end 100 of the recessed portion 80 and the flanges are in staggered mating relationship to each other.”</p>
<p>c) when sliding the grip extender into its final position on the magazine, a step of the said tangs engages the lower surface of the floor plate and captures the corresponding upper surface of floor plate against said the bottom shoulders of the opposed ribs.</p>	<p>Col. 2, ll. 41-47: “There are releasable interlock means on the butt end of the magazine and complementary releasable interlock means within the confines of the recessed interior of the pommel. The pommel and the magazine may be secured together with the interlock means completely obscured from view when the magazine is inserted into the grip of the handgun.”</p> <p>Col. 43-68: “The pommel 16 is assembled to the butt end of the magazine in the following manner. The follower 48 is inserted into the magazine 14 from the open bottom. It is engaged by the spring 42, the trailing end 49 of which is inserted through the turned up tongue 50 of the detent plate 52. While the detent plate 52 is held manually in position near the butt end of the magazine, the butt end is moved into position in the interior recess 80 of the pommel with the trailing flanges 74 aligned with the interruptions 96 and the forward flanges 72 aligned with the interruptions 94. The magazine is urged downwardly into the recessed portion 80 until the flanges are aligned with the slots. The detent 54 on the detent plate 52 enters the recessed ramp 86,</p>

its sides being contained by the walls 88 of the ramp to align it with the detent recess 84. When so aligned, the magazine 14 is urged to the right relative to the pommel as viewed in FIG. 10 with the leading flanges 72 entering the slotted portions 98 and the trailing flanges 74 of the magazine, moving from the interrupted areas 96 into the slots in the wall portion 99. This relative movement continues until the detent 54 engages the recess 84 under spring pressure while the leading edge 60 of the magazine interfaces the leading end 100 of the recessed portion 80. This places the pommel in a firm and secure location as the base of the magazine."



See also Col. 5, ll. 46-49: "There may be many forms and configurations of structure for securing the pommel to the magazine, the above being merely illustrations and not limitations thereof."

<p>4. The grip extender claim 1 further comprising a lower surface depending below the magazine floor plate thereby protecting said magazine from impacts with surfaces when the magazine is released from a handgun during reloading.</p>	<p>See <i>supra</i> (regarding Claim 1), and Col. 4, l. 26 (referring to “floor 82”).</p>
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